REMARKS

Applicant respectfully requests further examination and reconsideration in view of the remarks set forth fully below. Claims 1-7, 9-33 and 35-41 were previously pending in this application. Within the Office Action, Claims 1-7, 9-33 and 35-41 have been rejected. Accordingly, Claims 1-7, 9-33 and 35-41 are now pending in this application.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-7, 9-33 and 35-41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0173981 to Stewart (hereinafter "Stewart"), in view of U.S. Patent Application Publication No. 2004/0002343 to Brauel et al. (hereinafter "Brauel"), and further in view of U.S. Patent No. 6,618,005 to Hannah et al. (hereinafter "Hannah"). The Applicant respectfully disagrees.

In regard to the claim limitation "localized information corresponding to the location information is defined by the internet portal, independent of an identification of the access point," the Applicant respectfully submits that neither Stewart, Brauel, Hannah nor their combination teach this limitation.

Stewart teaches a system and method for enabling a business to register a domain location to provide location based services to on-site customers. Specifically, Stewart teaches a domain place registry 150 where physical domain name information is stored and a domain place registration web site 190 which a business 160 accesses to register a domain location and to specify desirable known geographic location ("KGL") services to be available at the location. The known geographic location (KGL) services or localized information is obtained by the system through the specification of the localized information by businesses on the domain place registry. Specifically, Stewart teaches a Domain Place Registration (DPR) server 150 that stores a data structure including information regarding domain place registration information of the

specific business doing the registration, identification information of the business, and KGL services information specified by the business (Stewart, paragraphs 0037, 0047, 0048, 0054). As a result, Stewart teaches that a business can register a domain and specify localized information so as to provide location based services to on-site customers, not that the localized information is defined by the system.

Brauel teaches a communications network including a communication server 102 coupled to a plurality of access points 106. Brauel teaches that the plurality of access points 106 are capable of wireless communications with one or more mobile wireless communication devices 120 (Brauel, paragraph 0021). Brauel teaches that the wireless communication devices 120 determine their own location based on information provided by the communication server 102 (Brauel, paragraph 0025). Brauel does not teach that the location information is determined at an internet portal based on the location table, or that a controller within an apparatus providing an internet site determines the location information based on the location table. Nor does Brauel teach providing localized information obtained from a localized information database.

It is acknowledged within the Office Action on page 4 that neither Stewart, Brauel nor their combination teach that the localized information corresponding to a physical location of a specific access point accessing the internet site is defined by the apparatus according to the physical location, independent of an identification of the specific access point. Hannah is apparently cited for these reason.

Hannah teaches that wireless network devices can obtain their geographical locations by triangulation with access points that have precise time information. In response to a location prompt, a wireless device can send a transmission to multiple access points that are within its range. Hannah teaches that the calculation of the location of the mobile device may be performed in various places. In one embodiment, the server receives the ping-reception time from each access point and calculates the location of the mobile device based on the location of each of the access points and the time each ping was received by each access point. Hannah

teaches that the data indicating the location of each access point can be transmitted, along with the ping reception time, from the access point to the server after the ping signal is received, or that the location of each access point is contained in a database that is accessible to the server (Hannah, col. 3, lines 38-50).

The Applicant previously argued that Hannah does not disclose localized information corresponding to location information defined by the internet portal, independent of an identification of the access point. However, within the Response to Arguments section, it is stated that the localized information is taught by Stewart, and Hannah teaches that the location information can be stored from the access point onto a server. It is then concluded that "[t]his can be used to offer localized information independent of the identification of the access point because the information about the access point has already been stored previously." The Applicant respectfully disagrees.

The Applicant asserts that functionality has inappropriately been added to the system of Stewart, and relied on this added functionality in the asserted system of Stewart in view of Brauel in further view of Hannah to reject the present claims. Specifically, hindsight is being relied on in view of the present claims, to modify Stewart in view of Brauel to offer localized information independent of the identification of the access point.

As stated in the Office Action, Brauel is cited for teaching a location table that includes entries each having a network address and physical location information. However, it is Stewart that is relied upon for teaching obtaining location information corresponding to the network address from a location table, wherein the location information is determined at an internet portal based on the location table, obtaining the localized information from a localized information database using the location information, and providing the localized information to the user through the access point. As such, it is the functionality of Stewart that is to be modified with the teachings of Hannah so as to provide localized information based on the physical location of a specific access point accessing an internet site, independent of an identification of the specific

access point. However, the teachings of Hannah are directed to similar functionality already disclosed in Stewart. Specifically, Stewart teaches in paragraph 0084:

> KGL information of the business or customer may be determined by the system, such as by transmission of the KGL by the AP 120, <u>transmission of GPS information by the customer's PCD 110</u>, or by transmission of an identifying ID, such as a MAC ID, of the AP 120, which the system may use to look up the KGL information from a database. (Emphasis added)

Stewart specifically teaches that it is <u>either</u> the MAC ID of the AP 120 <u>or</u> the GPS information transmitted by the PCD 110, <u>but not both</u>. The present claims advantageously disclose the use of both a network address and location information through the use of a location table. Using a location table to link both pieces of information eliminates the need for additional equipment (such as the GPS equipment) and/or processing (such as the triangulation method of Hannah) to determine the physical location information, which is subsequently used to determine the localized information.

Adding the triangulating method of Hannah to the asserted system of Stewart in view of Brauel does not add functionality to the GPS information already disclosed in Stewart, and Stewart already discloses that the GPS information is used as an alternative for the MAC ID. The teachings of Hannah do not change this. As such, whether it is the asserted system of Stewart in view of Brauel or the asserted system of Stewart in view of Brauel in further view of Hannah, the asserted system fails to teach an inclusive three step sequence of 1) determining a network address, 2) using a location table to obtain location information according to the network address, and 3) obtaining localized information using the location information. The present claims are directed to using both the network address of the access point and the location information of the access point, obtained using the location table, to obtain localized information. The system of Stewart, whether combined with Brauel or with Brauel and Hannah, specifically teaches one or the other, but not both the network address and the location information of the

access point. It is only through hindsight of the presently claimed invention that the functionality is added of using both the network address and the physical location of the access point to obtain localized information for a user. Where the Stewart teaching of using the MAC ID is used, the asserted combination fails to teach "localized information corresponding to the location information is defined by the internet portal, independent of an identification of the access point." Where the Stewart teaching of using the GPS information is used, the asserted combination fails to teach "obtaining location information corresponding to the network address."

In regard to the claim limitation "generating a location table corresponding to the network address and location of access points upon an initial communication from each of the access points," the Applicant respectfully submits that neither Stewart, Brauel, Hannah nor their combination teaches this limitation.

Within the Response to Arguments section, it is stated that Brauel "shows that the location of the access points can be stored in a server implying that an initial communication was made." (Emphasis added) Although it is obvious that for an access point and a server to communicate an initial communication is made, it is not obvious what occurs during the initial transmission and what occurs in subsequent transmissions. Brauel teaches that the table 104 includes entries for each access point 106. However, Brauel fails to specify that each entry is made upon an initial communication from the access point. Instead, Brauel teaches that "via a workstation (not shown) a network administrator can enter physical location information for each of the access points. The network administrator would know the physical location of the access points and can readily find out the address of each access point." (Brauel, paragraph 0025)

Further, neither Stewart nor Hannah teaches a method of generating a location table corresponding to the network address and location of access points upon an initial communication from each of the access points. Stewart teaches that access points "may store [their] KGL information and may transmit the [access point's] KGL to the system." (Stewart,

paragraph 0065) Stewart does not teach that access points transmit network address and location information upon the initial communication from each access point. Specifically, Stewart teaches that the access points may be used to store their KGL information and then to transmit that information any time they communicate with the registry (Stewart, paragraph 0065). Stewart does not teach creating a new entry in a location table containing the access point's network address and location only upon the initial communication and thereby not needing the access point to transmit the information again on subsequent communications.

Hannah teaches that data indicating the location of each access point can be transmitted, along with the ping reception time, from that access point to the server after the ping signal is received. Alternatively, since wireless access points are generally fixed in place, their location may be determined in advance and contained in a database that is accessible to the server (Hannah, col. 2, lines 33-41). Although the predetermined locations can be contained in a database, nowhere in the specification of Hannah does Hannah teach generating a location table corresponding to the network address and location of access points upon an initial communication from each of the access points. Accordingly, neither Stewart, Brauel, Hannah nor their combination teach generating a location table corresponding to the network address and location of access points upon an initial communication from each of the access points.

Each of the Applicant's independent claims teaches either that the localized information corresponding to the location information is defined by the internet portal, independent of an identification of the access point, or generating an entry in the location table upon receiving an initial communication from an access point. As a result, as described above, because neither Stewart, Brauel, Hannah nor their combination teach defining the localized information by the internet server/portal, the localized information is determined according to the physical location information and independent of an identification of the access point, or generating an entry in a location table upon receiving an initial communication from an access point, neither Stewart, Brauel, Hannah nor their combination teach the claims of the presently claimed invention.

The independent Claim 1 is directed to a method of providing localized information to a user accessing an internet site through an access point. The method of Claim 1 comprises determining a network address corresponding to the access point, obtaining location information corresponding to the network address from a location table, wherein the location information is determined at an internet portal based on the location table, obtaining the localized information from a localized information database using the location information, wherein the localized information corresponding to the location information is defined by the internet portal, independent of an identification of the access point, and providing the localized information to the user through the access point. As described above, neither Stewart, Brauel, Hannah nor their combination teach defining localized information by the internet server/portal, the localized information being determined according to the physical location information and independent of an identification of the access point. For at least these reasons, the independent Claim 1 is allowable over the teachings of Stewart, Brauel, Hannah and their combination.

Claims 2-7 are all dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Stewart, Brauel, Hannah and their combination. Accordingly, Claims 2-7 are all also allowable as being dependent on an allowable base claim.

The independent Claim 9 is directed to a method of generating a location table corresponding to locations of access points. The method of Claim 9 comprises obtaining a network address of one of the access points upon receiving an initial communication from one of the access points, obtaining location information corresponding to a physical location of one of the access points, wherein the physical location is determined at an internet portal, generating an entry within the location table including the network address and the location information and repeating the above upon an initial communication from each of the access points. As described above, neither Stewart, Brauel, Hannah nor their combination teach a method of generating an entry in a location table upon receiving an initial communication from an access point. For at

least these reasons, the independent Claim 9 is allowable over the teachings of Stewart, Brauel, Hannah and their combination.

Claims 10-13 are dependent on the independent Claim 9. As described above, the independent Claim 9 is allowable over the teachings of Stewart, Brauel, Hannah and their combination. Accordingly, Claims 10-13 are all also allowable as being dependent on an allowable base claim.

The independent Claim 14 is directed to an apparatus to provide an internet site and capable of being accessed through an access point. The apparatus of Claim 14 comprises a location table including a plurality of entries each having a network address and location information corresponding to the access point, a localized information database coupled to the location table to provide localized information based on the location information, and a controller coupled to the location table and the localized information database for determining the location information of a specific access point based on the location table and for determining the localized information corresponding to the location information of the specific access point, the localized information determined independent of an identification of the specific access point. As described above, neither Stewart, Brauel, Hannah nor their combination teach defining localized information by the internet server/portal, the localized information being determined according to the physical location information and independent of an identification of the access point. For at least these reasons, the independent Claim 14 is allowable over the teachings of Stewart, Brauel, Hannah and their combination.

Claims 15-20 are all dependent on the independent Claim 14. As described above, the independent Claim 14 is allowable over the teachings of Stewart, Brauel, Hannah and their combination. Accordingly, Claims 15-20 are all also allowable as being dependent on an allowable base claim.

The independent Claim 21 is directed to an apparatus for providing an internet site and capable of being accessed through an access point. The apparatus of Claim 21 comprises a first

means for maintaining a location table including a plurality of entries, each entry having a network address and location information corresponding to a specific access point, a second means for maintaining a localized information database coupled to the first means for maintaining and for providing localized information based on the location information, and a controlling means coupled to the location table and the localized information database for determining the location information of a specific access point based on the location table and for determining the localized information corresponding to the location information of the specific access point, the localized information determined independent of an identification of the specific access point. As described above, neither Stewart, Brauel, Hannah nor their combination teach defining localized information by the internet server/portal, the localized information being determined according to the physical location information and independent of an identification of the access point. For at least these reasons, the independent Claim 21 is allowable over the teachings of Stewart, Brauel, Hannah and their combination.

Claims 22-27 are all dependent on the independent Claim 21. As described above, the independent Claim 21 is allowable over the teachings of Stewart, Brauel, Hannah and their combination. Accordingly, Claims 22-27 are all also allowable as being dependent on an allowable base claim.

The independent Claim 28 is directed to an internet server for providing localized information from a localized information database to users through an access point. The internet site of Claim 28 comprises a location table maintained by the internet site comprising a plurality of entries, each entry including a network address corresponding to the access point, and location information corresponding to the access point, and a controller associated with the internet site for determining location information based on the location table, wherein localized information corresponding to location information of a specific access point accessing the internet site is defined by the internet server according to the location information, independent of an identification of the specific access point. As described above, neither Stewart, Brauel, Hannah

- 10 -

nor their combination teach defining localized information by the internet server/portal, the localized information being determined according to the physical location information and independent of an identification of the access point. For at least these reasons, the independent Claim 28 is allowable over the teachings of Stewart, Brauel, Hannah and their combination.

Claims 29-32 are dependent on the independent Claim 28. As described above, the independent Claim 28 is allowable over the teachings of Stewart, Brauel, Hannah and their combination. Accordingly, Claims 29-32 are all also allowable as being dependent on an allowable base claim.

The independent Claim 33 is directed to a network of devices. The network of Claim 33 comprises one or more access points to provide access to an internet site, one or more internet access systems, each capable of communicating with the one or more access points to access the internet site through one of the access points, an apparatus to provide the internet site and capable of being accessed through the one or more access points comprising a location table including a plurality of entries each having a network address and physical location information corresponding to an appropriate one of the access points, and a localized information database coupled to the location table to provide localized information based on the physical location information, <u>wherein localized information corresponding to a physical location of a specific access point accessing the internet site is defined by the apparatus according to the physical location, independent of an identification of the specific access point,</u> wherein the physical location information is determined at the apparatus based on the location table. As described above, neither Stewart, Brauel, Hannah nor their combination teach defining localized information by the internet server/portal, the localized information being determined according to the physical location information and independent of an identification of the access point. For at least these reasons, the independent Claim 33 is allowable over the teachings of Stewart, Brauel, Hannah and their combination.

Claims 35-41 are all dependent on the independent Claim 33. As described above, the independent Claim 33 is allowable over the teachings of Stewart, Brauel, Hannah and their combination. Accordingly, Claims 35-41 are all also allowable as being dependent on an allowable base claim.

For the reasons given above, the Applicant respectfully submits that the pending claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: __March 24, 2010__   By: __/Jonathan O. Owens/_____
                                             Jonathan O. Owens
                                             Reg. No. 37,902
                                             Attorneys for Applicant(s)